

BellSouth Telecommunications, Inc.
Legal Department
1600 Williams Street
Suite 5200
Columbia, SC 29201

January 22, 2004

Patrick W. Turner
General Counsel-South Carolina

803 401 2900
Fax 803 254 1731

patrick.turner@bellsouth.com

The Honorable Bruce Duke
Executive Director
Public Service Commission of SC
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Analysis of Continued Availability of Unbundled Local Switching for Mass
Market Customers Pursuant to the Federal Communication Commission's
Triennial Review Order
(Docket No. 2003-326-C)

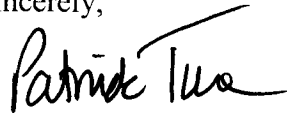
Continued Availability of Unbundled High Capacity Loops at Certain Locations
and Unbundled High Capacity Transport on Certain Routes Pursuant to the
Federal Communication Commission's Triennial
Review Order
(Docket No. 2003-327-C)

Dear Mr. Duke:

Enclosed for filing are an original and fifteen copies of BellSouth Telecommunication's
Response to SCTC and SC Net's Petition for Reconsideration of Order No. 2003-730 and an
original and fifteen copies of BellSouth's Proposed Order Denying Reconsideration in the
above-referenced matters.

By copy of this letter I am serving all parties of record with a copy of these pleadings as
indicated on the attached Certificates of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is fluid and cursive, with the first name "Patrick" being more prominent.

Patrick W. Turner

PWT/nml
Enclosures
cc: All Parties of Record
PC Docs # 523264

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NOS. 2003-326-C AND 2003-327-C

IN RE:

Docket No. 2003-326-C – Analysis of)
Continued Availability of Unbundled Local)
Switching for Mass Market Customers)
Pursuant to the Federal Communications)
Commission’s Triennial Review Order)
)
and)
)
Docket No. 2003-327-C – Continued)
Availability of Unbundled High Capacity)
Loops at Certain Locations and Unbundled)
High Capacity Transport on Certain Routes)
Pursuant to the Federal Communications)
Commission’s Triennial Review Order)
)

BELLSOUTH TELECOMMUNICAITONS, INC.'S RESPONSE
TO SCTC AND SC NET PETITION FOR RECONSIDERATION
OF ORDER NO. 2003-730

BellSouth Telecommunications Inc. ("BellSouth") respectfully submits this Response to the Petition for Reconsideration of Order No. 2003-730 ("the Petition") that was filed by the South Carolina Telephone Coalition and South Carolina Net, Inc. ("the Petitioners") on or about January 12, 2004. Exhibit A to this Response is a Proposed Order Denying Reconsideration that carefully addresses each of the arguments set forth in the Petition and concludes that the Petition should be denied. BellSouth respectfully request that the Public Service Commission of South Carolina adopt this Proposed Order and enter it in these dockets.

Respectfully submitted,



Patrick W. Turner
Attorney for BellSouth Telecommunications, Inc.
1600 Williams Sreet, Suite 5200
Columbia, South Carolina 29201
(803) 748-8700

EXHIBIT A

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NOS. 2003-326-C AND 2003-327-C

IN RE:

Docket No. 2003-326-C – Analysis of)
Continued Availability of Unbundled Local)
Switching for Mass Market Customers)
Pursuant to the Federal Communications)
Commission’s Triennial Review Order)
and)
Docket No. 2003-327-C – Continued)
Availability of Unbundled High Capacity)
Loops at Certain Locations and Unbundled)
High Capacity Transport on Certain Routes)
Pursuant to the Federal Communications)
Commission’s Triennial Review Order)
_____)

**BELLSOUTH’S PROPOSED
ORDER DENYING
RECONSIDERATION**

This matter comes before the Public Service Commission of South Carolina (“the Commission”) upon the Petition for Reconsideration of Order No. 2003-730 (“the Petition”) that was filed by the South Carolina Telephone Coalition and South Carolina Net, Inc. (“the Petitioners”) on or about January 12, 2004. Petitioners seek reconsideration of Order No. 2003-730, in which the Commission established procedures designed to expedite the completion of discovery so that a complete record can be developed in this proceeding in time for the Commission to comply with the very tight timeframes imposed upon it by the Federal

Communications Commission (“FCC”) in its *Triennial Review Order*.¹ In support of their Petition, the Petitioners argue that: (1) they did not have an opportunity to be heard regarding the matters set forth in the Initial Procedural Order; (2) the procedures the Commission has adopted in these proceedings vary from the South Carolina Rules of Civil Procedure and from the Commission’s discovery rules; and (3) the Initial Procedural Order “may allow” other parties to impose an undue burden on the Petitioners and “could potentially” be used to subject Petitioners to “numerous and lengthy depositions.” For the reasons set forth below, the Commission finds that the Petition should be denied.

I. BACKGROUND

As set forth in more detail in Order No. 2004-728 that the Commission entered in this docket on December 17, 2003, the FCC has directed the Commission to apply various triggers and other analyses developed by the FCC to determine the extent to which certain loop, transport, and switching facilities will remain unbundled network elements (“UNEs”) in South Carolina. *See* Order No. 2003-728 at p. 2. Applying these triggers and other analyses requires the Commission to consider a great deal of carrier-specific information at a “granular” level, and the Commission is expected to make various findings within nine months of the effective date of the FCC’s *Triennial Review Order*. *Id.* The Commission has noted that it “will want the record in these proceedings to include as much information as possible.” *Id.* at p. 3. For that reason, the Commission has ordered that all entities that have a certificate to operate as a telephone utility in

¹ Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; and Deployment of Wireline Service Offering Advanced Telecommunications Capability*, 2003 WL 22175730 (F.C.C.), 30 Communications Reg. (P&F) 1 (Rel. August 21, 2003).

South Carolina are parties to these proceedings for the limited purpose of discovery. *See Id.* at p. 4.

On November 12, 2003, BellSouth Telecommunications, Inc. ("BellSouth") and the Competitive Carriers of the South, Inc. ("CompSouth") filed a Joint Motion for Initial Procedural Order with the Commission. This Motion provides, in part, that:

In light of activity in similar proceedings in other states in BellSouth's nine-state operating region, BellSouth and CompSouth anticipate voluminous discovery in this docket. BellSouth and CompSouth have worked closely to develop a Proposed Initial Procedural Order that: (a) provides discovery rights to all parties in a manner that accommodates the compressed time frames necessary to meet the nine-month deadline that the FCC has imposed upon the Commission in these proceedings; (b) allows parties to make use of website posting and electronic service to the fullest extent practicable in order to avoid the time and expense associated with filing and serving multiple copies of voluminous documents; and (c) is consistent with proposed procedural orders submitted to other state Commissions within BellSouth's nine-state operating region.

On December 17, 2003, the Commission issued Order No. 2003-730 ("the Initial Procedural Order"), which grants the Motion of BellSouth and CompSouth.

Under the Initial Procedural Order, any entity that is served with discovery in this proceeding may object to responding to that discovery. *See* Initial Procedural Order at p. 4, §2(A)(iv)(a). Such objections may include, but are not limited to, legal objections and objections to the time required for the production of region-wide discovery responses. *Id.* Parties are admonished to work together to resolve discovery disputes, *see Id.* at p. 4, §2(A)(iii), and if they cannot resolve such disputes among themselves, they "shall seek expedited ruling on any discovery dispute, and the Executive Assistant to the Commissioners, or her designee, shall resolve any such dispute expeditiously." *Id.* at p.5, §2(A)(v). The rulings of the Executive Assistant to the Commissioners are subject to being overruled by the Commission. *Id.*

The Initial Procedural Order also provides that "[d]epositions of employees, consultants, contractors and agents may be taken pursuant to the South Carolina Rules of Civil Procedure, including any objections that may be raised." *Id.* at p. 5, §2(B)(i)(emphasis added). It then sets forth deposition requirements that are designed to "conserve the resources of the parties and to encourage the parties to work jointly and cooperatively to conduct necessary discovery." *Id.* at p.6, §2(B)(ii)(d). Finally, the Initial Procedural Order provides that

If the parties have a dispute regarding the taking of depositions in any particular situation, the parties are admonished to work together to resolve such differences, and if those differences cannot be reconciled, the parties should be prepared to present a very brief explanation of the dispute and the aggrieved party should be prepared to demonstrate how it is prejudiced by its failure to comply with the requests or objections of the opposing party.

Id. at p.6, §2(B)(ii)(d).

II. DISCUSSION

The Commission has carefully considered the Petitioners' arguments supporting their Petition, and each of those arguments is addressed below.

A. Prior Notice and Opportunity to be Heard

The Petitioners argue that they had no "prior notice" or "adequate opportunity to participate" in the development of the Initial Procedural Order. *See* Petition at p. 2, ¶¶1, 3. The Commission notes, however, that the fact that the Commission would be initiating these proceedings could have come as no surprise to any telephone utility in light of the FCC's Triennial Review Order. Beyond that, the Commission's Staff noticed and conducted three public workshops addressing issues related to the FCC's *Triennial Review Order*, and representatives of the Petitioners attended one or more of these workshops. Notices of these workshops are attached hereto as Exhibit 1, and these notices were, at a minimum, published on the Commission's website and in *The State* newspaper. After these workshops were held, the

Commission issued an Order establishing the instant proceedings, and that Order was posted on the Commission's website. A copy of the Order is attached hereto as Exhibit 2. Subsequently, on November 12, 2003, BellSouth and CompSouth filed their Motion for Initial Procedural Order.

When the Commission granted this Motion in its Initial Procedural Order dated December 17, 2003, 10 entities had intervened as parties of record in these proceedings. See Exhibit 3 attached hereto. The Petitioners had at least as much prior notice of these proceedings, and of the Joint Motion for Initial Procedural Order, as these parties had. If they had desired to do so, the Petitioners could have intervened and opposed the Joint Motion, or they could have otherwise raised any concerns they may have had, prior to the Commission's issuance of the Initial Procedural Order. The Commission, therefore, finds that the Petitioners were not deprived of notice and an opportunity to participate in the development of the Order.

B. Variance from Rules

The Petitioners argue that "[t]he [Initial Procedural] Order sets forth rules with respect to discovery in these proceedings that vary significantly from the South Carolina Rules of Civil Procedure and from the Commission's own discovery rules." See Petition at p.2, ¶2. To the extent that the procedures in the Initial Procedural Order vary from the Commission's discovery rules, we note that Commission Regulation 103-800(B) expressly provides that the Commission's "adoption of these [procedural] rules shall in no way preclude th[is] ... Commission from altering, amending or revoking them in whole or in part, or from making additions thereto, pursuant to provisions of law, upon petition of a proper party or upon its own motion." Particularly in light of the very tight timeframes under which the FCC has directed this Commission to conduct these proceedings, the Commission clearly was authorized under

Regulation 103-800(B) to adopt the Initial Procedural Order. The Petitioners cite no valid basis for altering or amending that Order, and we decline to do.

The only provision of the South Carolina Rules of Civil Procedure that the Petitioners cite as being inconsistent with the Initial Procedural Order is Rule 33(b)(8). *See* Petition at p.3, ¶5. This rule generally limits the number of interrogatories a party can serve to “fifty questions including subparts, except by leave of court upon good cause shown.” S.C.R. Civ. P. 33(b)(8)(emphasis added). In considering whether good cause is shown for not imposing such a limit in this proceeding, the Commission has considered Rule 26(a) of the South Carolina Rules of Civil Procedure. This Rule provides that in considering whether to limit the use of discovery methods in a proceeding, a court must “tak[e] into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.” Assuming without deciding that the “limitations on the [Petitioners'] resources” weighs in favor of the Petitioners' request for a fifty-question limit, the other enumerated factors weigh overwhelmingly against such a limit. For the reasons explained in Order No. 2003-728, the record in this proceeding needs to “include as much information as possible.” *Id.* at p. 3. Moreover, it is clear from the FCC's discussion throughout its *Triennial Review Order* that the amounts and issues in controversy are substantial by any measure, and there can be no legitimate dispute that the issues at stake in this proceeding are extremely important.

Accordingly, rather than arbitrarily establishing a limit on the number of interrogatories that can be served in this proceeding, the Commission finds that it is more appropriate for the Petitioners (and any other recipient of discovery) to file objections if and when they believe that they have been served with discovery that is excessive, taking into account the discussion above. This approach, which is embodied in the Initial Procedural Order, will afford Petitioners an

opportunity for protection against unreasonable discovery requests without depriving other parties of an opportunity to collect information that is relevant to the significant and important matters the Commission must decide in these proceedings. The Commission, therefore, denies the Petitioner's request to limit discovery to 50 interrogatories, including subparts.

C. Potential for Unduly Burdensome Discovery

The Petitioners argue that “[t]he procedures contained in the Order are such that they may allow other parties to impose an undue burden” on them. *See* Petition at p. 2, ¶4 (emphasis added). The Petitioners further argue that the Order “could potentially be used” to subject them to “numerous and lengthy depositions.” *Id.* at p. 3, ¶6 (emphasis added). The Petitioners then ask that certain entities be excused of the requirement to be available for deposition except where they intend to present a witness at the hearing, and that certain entities be excused from the requirement to respond to requests for production of documents. *Id.* at p. 5, ¶¶8(2),(3). For the reasons set forth below, the Commission denies these requests.

As explained above, the Initial Procedural Order allows entities like the Petitioners to object to discovery that is served upon them, and it encourages the parties to work together to resolve any objections to discovery requests. If the parties cannot resolve disputes regarding such objections among themselves, the Initial Procedural Order specifically provides that the Executive Assistant to the Commissioners will rule on such objections expeditiously, and it provides that the Commission can review such rulings. Thus, if the Petitioners are served with discovery requests that they believe are objectionable, Petitioners have substantial opportunity to be heard on their objections. In fact, the Commission notes that the Petitioners have already come before the Commission to request an extension of time to answer discovery requests, and the Commission already has ruled on that request. *See* Exhibit 4. The Petitioners, therefore,

have not and will not suffer any prejudice as a result of the procedures established in the Initial Procedural Order.

Accordingly, rather than arbitrarily limiting the means by which the parties may obtain relevant information based on speculative concerns, the Commission finds that it is more appropriate for such entities to file objections if and when they believe that they have been served with discovery that is excessive or inappropriate and after they have exhausted good-faith attempts to resolve their concerns with the party seeking the discovery. This approach will afford Petitioners an opportunity for protection against unreasonable discovery requests without depriving other parties of an opportunity to collect information that is relevant to the significant and important matters the Commission must decide in these proceedings.

III. CONCLUSION

For all of the reasons set forth above, the Petition is denied. This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Acting Executive Director

(SEAL)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Turner", written over a horizontal line.

Patrick W. Turner

1600 Williams Street, Suite 5200

Columbia, South Carolina, 29201

Telephone: (803) 401-2904

Attorneys for BellSouth Telecommunications, Inc.

523151

EXHIBIT 1

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

UTILITIES DEPARTMENT

NOTICE OF NON-DOCKETED PROCEEDINGS

During its Regular Business Meeting held on September 9, 2003, the Public Service Commission of South Carolina discussed the Federal Communications Commission's Triennial Review Order which appeared in the Federal Register on September 2, 2003. This Order established new Federal Regulations and required State Commissions to perform unbundled network element impairment analyses. To assist the Commission with the complexities of the FCC's requirements, the Commission scheduled three workshops to receive information and comments from interested parties.

PLEASE TAKE NOTICE the initial Triennial Review Workshop has been scheduled to begin at **10:30AM, on Thursday, September 25, 2003**, in the Commission's Hearing Room at Synergy Business Park, 101 Executive Center Drive, Saluda Building, Columbia, SC 29210.

Persons seeking information about the Commission's Procedures should contact the Commission by dialing (803) 896-5105.

GARY E. WALSH

Executive Director

Public Service Commission of South Carolina

P.O. Drawer 11649

Columbia, South Carolina 29211

16-SEP-03

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

UTILITIES DEPARTMENT

NOTICE OF NON-DOCKETED PROCEEDINGS

During its Regular Business Meeting held on September 9, 2003, the Public Service Commission of South discussed the Federal Communications Commission's Triennial Review Order which appeared in the Federal Register on September 2, 2003. This Order established new Federal Regulations and required State Commissions to perform unbundled network element impairment analyses. To assist the Commission with the complexities of the FCC's requirements, the Commission scheduled three workshops to receive information and comments from interested parties. In the Second Workshop, the Staff and parties will discuss various issues raised by interested parties.

PLEASE TAKE NOTICE the Second Triennial Review Workshop has been scheduled to begin at **10:30 a.m., on Thursday, October 23, 2003**, in the Commission's Hearing Room at Synergy Business Park, 101 Executive Center Drive, Saluda Building, Columbia, SC 29210.

Persons seeking information about the Commission's Procedures should contact the Commission by dialing (803) 896-5105.

BRUCE F. DUKE

Deputy Executive Director
Public Service Commission of South Carolina
P.O. Drawer 11649
Columbia, South Carolina 29211

16-OCT-2003

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
UTILITIES DEPARTMENT

NOTICE OF NON-DOCKETED PROCEEDINGS

During its Regular Business Meeting held on September 9, 2003, the Public Service Commission of South Carolina discussed the Federal Communications Commission's Triennial Review Order which was published in the Federal Register on September 2, 2003. This Order established new Federal Regulations and required State Commissions to perform unbundled network element impairment analyses. To assist the Commission with the complexities of the FCC's requirements, the Commission scheduled three workshops to receive information and comments from interested parties. In the Third Workshop, the Staff and parties will discuss impairment models. After the modeling discussion, a hot cut demonstration is planned for the afternoon session.

PLEASE TAKE NOTICE the Third Triennial Review Workshop has been scheduled to begin at **10:30 a.m., on Thursday, November 6, 2003**, in the Commission's Hearing Room at Synergy Business Park, 101 Executive Center Drive, Saluda Building, Columbia, SC 29210.

Persons seeking information about the Commission's Procedures should contact the Commission by dialing (803) 896-5105.

BRUCE F. DUKE
Deputy Executive Director
Public Service Commission of South Carolina
P.O. Drawer 11649
Columbia, South Carolina 29211

28-OCT-2003

EXHIBIT 2

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2003-326-C and 2003-327-C - ORDER NO. 2003-667

NOVEMBER 7, 2003

IN RE: Analysis of Continued Availability of)	
Unbundled Local Switching for Mass Market)	
Customers Pursuant to the Federal)	
Communication Commission's Triennial)	
Review Order (Docket No. 2003-326-C))	
)	
And)	ORDER SETTING
)	HEARING DATES AND
Continued Availability of Unbundled High)	OPENING DOCKETS
Capacity Loops at Certain Locations and)	
Unbundled High Capacity Transport on)	
Certain Routes Pursuant to the Federal)	
Communication Commission's Triennial)	
Review Order (Docket No. 2003-327-C))	
)	

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of a letter filed jointly by BellSouth Telecommunications, Inc. (BellSouth) and CompSouth¹ on September 10, 2003, requesting the Commission to consider a proposal for scheduling and conduct of the state proceedings required by the Federal Communications Commission ("FCC") in its Triennial Review Order of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers ("TRO").

On August 21, 2003, the FCC released its TRO. Pursuant to the TRO, the FCC, acting under authority of the Federal Telecommunications Act which allows the FCC to

¹ CompSouth is an association of competitive local exchange carriers, and CompSouth's members include: ITC DeltaCom; MCI; Business Telecom Inc.; NewSouth Communications Corp.; AT&T; Nuvox Communications Inc.; Access Integrated Networks, Inc.; Birch Telecom; Talk America; Cinergy Communications Company; Z-Tel Communications; Network Telephone Corp.; Momentum Business Solutions; Covad; KMC Telecom; IDS Telecom and Xspedius Corp.

delegate to the states authority to conduct analyses in accordance with federal guidelines, instructed state commissions to take on some fact finding responsibilities and to undertake analyses set forth in the TRO which will affect incumbent LECs' unbundling obligations for certain elements in particular areas.² Thus pursuant to the FCC's TRO, this Commission's role is a fact-finding role to determine whether impairment exists within the State of South Carolina and within local markets in South Carolina. The TRO further requires that the proceedings covered by the instant Order be concluded within nine (9) months.

BellSouth and CompSouth report in their letter of September 10, 2003, that they have developed a proposal which would allow the state proceedings in the BellSouth nine-state region to occur in a manner that will avoid the inevitable conflicts which would occur if each state independently scheduled their proceedings required by the TRO. To that end, BellSouth and CompSouth propose that the South Carolina hearings required by the TRO be scheduled and held during the week of April 12 - 16, 2004.

Upon consideration of the joint request from BellSouth and CompSouth, the Commission finds the request to schedule the proceedings required by the TRO for the week of April 14 - 16, 2004, to be reasonable. The Commission is aware that scheduling conflicts could arise for the parties as the parties participate in proceedings across the nine-state BellSouth region. Having the parties present to this Commission a mutually agreeable time for the hearings in South Carolina required by the TRO should remedy scheduling conflicts with other states' proceedings. Therefore, the Commission finds that

² The analyses required of state commissions are (1) an analysis of the continued availability of unbundled local switching for mass market customers and (2) an analysis of the continued availability of unbundled high capacity loops at certain locations and unbundled high capacity transport on certain routes.

the proposal of BellSouth and CompSouth to schedule the hearings in South Carolina as required by the TRO for the week of April 12 – 16, 2004, is reasonable.

With the request for the hearing dates, BellSouth and CompSouth also filed a suggested procedural schedule for the filing of testimony, exhibits, briefs, etc. The Commission hereby tentatively approves the proposed schedule for the filing of testimony, exhibits, briefs, etc. However, the Commission retains the right to revisit the schedule and modify that schedule upon request by any party to the proceeding or upon the Commission's own motion. Parties should take note that the Commission will issue a scheduling order at the appropriate time.

Further, in recognition of the two separate analyses in the nine month proceeding required by the TRO, the Commission directs the Commission Staff to open two (2) separate dockets for these analyses. While it is anticipated that the hearings on the two dockets will be conducted during the same week, we open two separate dockets so that each analysis will have its own record.

IT IS THEREFORE ORDERED THAT:

1. The hearings in the nine (9) month proceedings required by the FCC's TRO will be held during the week of April 12 – 16, 2004.
2. The schedule for the filing of testimony, exhibits, briefs, etc. is tentatively approved but is subject to modification by the Commission upon request by a party or upon the Commission's own motion.

3. The Commission Staff is directed to open two separate dockets for the two separate issues to be examined in these proceedings.

BY ORDER OF THE COMMISSION:

/s/ _____
Mignon L. Clyburn
Chairman

ATTEST:

/s/ _____
Bruce Duke
Deputy Executive Director

(SEAL)

EXHIBIT 3

Exhibit Naming Intervenors and Dates of Intervention

Docket No. 2003-326-C (Switching)

<u>Name of Intervenor</u>	<u>Date of Intervention</u>
BellSouth Telecommunications, Inc.	11/12/03
CompSouth	11/12/03
AT&T Communications of the Southern States, LLC	11/17/03
ITC^Delta Communications, Inc. & Business Telecom, Inc.	11/14/03
MCI WorldCom Communications, Inc., Intermedia Communications, Inc. & MCImetro Access Transmission Services, LLC	11/18/03
Consumer Advocate	12/1/03

Docket No. 2003-327-C (Transport)

<u>Name of Intervenor</u>	<u>Date of Intervention</u>
BellSouth Telecommunications, Inc.	11/12/03
CompSouth	11/13/03
KMC Telecom III, LLC	11/13/03
AT&T Communications of the Southern States, LLC	11/14/03
ITC^Delta Communications, Inc. & Business Telecom, Inc.	11/14/03
MCI WorldCom Communications, Inc., Intermedia Communications, Inc. & MCImetro Access Transmission Services, LLC	11/18/03
Consumer Advocate	12/1/03

EXHIBIT 4

MCNAIR LAW FIRM, P.A.
ATTORNEYS AND COUNSELORS AT LAW

M. JOHN BOWEN JR.
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COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE 803/799-9800
FACSIMILE 803/376-2219

December 31, 2003

The Honorable Bruce F. Duke
Acting Executive Director
South Carolina Public Service Commission
Synergy Business Park
101 Executive Center Drive
Columbia, South Carolina 29210

Re: Analysis of Continued Availability of Unbundled Local Switching for
Mass Market Customers Pursuant to the Federal Communications
Commission's Triennial Review Order
(Docket No. 2003-326-C)

Continued Availability of Unbundled High Capacity Loops as Certain
Locations and Unbundled High Capacity Transport on Certain Routes
Pursuant to the Federal Communications Commission's Triennial Review
Order
(Docket No. 2003-327-C)

Dear Mr. Duke:

I am writing to request an extension of time in which to file responses to BellSouth's interrogatories and requests to produce dated December 8, 2003 and directed to numerous companies in the above-captioned dockets. We are making this request on behalf of the South Carolina Telephone Coalition companies and their affiliated CLECs, and on behalf of SC Net.

We are attempting to coordinate responses to these and other discovery requests in the above-referenced dockets for a number of companies. As you may be aware, the interrogatories and requests to produce were served on the individual companies by mail, and are voluminous and contain numerous subparts. The companies were given thirty days to respond, including Christmas week and New Year's week. While we are striving to provide timely responses to these interrogatories and requests to produce, the companies are short-staffed at this time of year and we find it is simply not possible to provide responses within the time frames requested.

We understand that direct testimony in Docket No. 2003-326 is due on January 26, 2004, and that direct testimony in Docket No. 2003-327-C is due on March 8, 2004. In light of this schedule, we asked BellSouth's general counsel to extend to us an extension of one week to

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December 31, 2003

Page 2

respond in Docket No. 2003-326-C (until January 14, 2004) and thirty days to respond in Docket No. 2003-327-C (until February 7, 2004).

BellSouth responded that they would be amenable to an extension until January 14, 2004 for the responses in Docket No. 2003-326-C and until January 21, 2004 for the responses in Docket No. 2003-327-C, but only on the condition that, in the event we plan to object to any of the requests, those objections be made on the original due date. We simply cannot comply with this condition. The reason we requested additional time is because we need that time to analyze the interrogatories and requests to produce on behalf of each of the companies to determine whether the requested information is available, whether it is relevant, and whether there are any applicable objections to the requests. Being required to furnish objections on the due date, or identify those requests to which objections will be made, is tantamount to responding to the requests and defeats the purpose of the extension of time.

We have been working with the companies to try to respond to these interrogatories and requests to produce as quickly as possible. At this time, we believe we can adequately respond to all interrogatory requests not later than January 14, 2004. We believe this schedule also ensures that BellSouth will receive responses in sufficient time for use in preparation of direct testimony and, therefore, BellSouth will not be prejudiced by the requested extension of time.

We, therefore, respectfully ask that our request for an extension of time be granted by the Commission, and that the companies be permitted an additional week to respond to the interrogatories and requests to produce dated December 8, 2003 in Docket Nos. 2003-326-C and 2003-327-C.

Thank you for your assistance in this matter.

Very truly yours,

/s/

M. John Bowen, Jr.

cc: Patrick W. Turner

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF SERVICE
COUNTY OF RICHLAND)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused BellSouth Telecommunications, Inc.'s Response to SCTC and SC Net's Petition for Reconsideration of Order No. 2003-730 in Docket Nos. 2003-326-C and 2003-327-C to be served upon the following this January 22, 2004:

F. David Butler, Esquire
General Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(U.S. Mail and Electronic Mail)

Elliott F. Elam, Jr., Esquire
S. C. Department of Consumer Affairs
3600 Forest Drive, 3rd Floor
Post Office Box 5757
Columbia, South Carolina 29250-5757
(Consumer Advocate)
(U.S. Mail and Electronic Mail)

John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202
(AT&T Communications of the Southern States, LLC)
(NuVox Communications, Inc.)
(Xspedius)
(NewSouth Communications, Corp.)
(U.S. Mail and Electronic Mail)

Robert E. Tyson, Jr., Esquire
Sowell Gray Stepp & Laffitte
1310 Gadsden Street
Columbia, South Carolina 29211
(Competitive Carriers of the South, Inc.)
(ITC^DeltaCom Communications, Inc.)
(KMC Telecom III, LLC)
(U.S. Mail and Electronic Mail)

Nanette S. Edwards, Esquire
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4092 S. Memorial Parkway
Huntsville, Alabama 35802
(U.S. Mail and Electronic Mail)

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
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Columbia, South Carolina 29211
(MCI WorldCom Communications, Inc.)
(Intermedia Communications, Inc.)
(MCImetro Access Transmission Services, LLC)
(U.S. Mail and Electronic Mail)

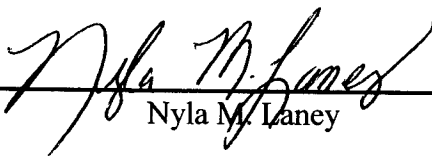
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